

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Solid Waste regulations, LAC 33:VII.115, 707, 717, Chapter 13, and Chapter 101 (Log #SW028).

This proposed rule contains changes to include infectious wastes and actions required for offloading and transloading of solid wastes. Chapter 13 is being added to address litter abatement in the state in accordance with R.S. 30:2521 et seq. The regulations in Chapter 101. Recycling Awareness, are no longer applicable to the department's solid waste program, and this Chapter is being repealed. The basis and rationale for this proposed rule are to comply with R.S. 30:2521 et seq. and make minor changes to the Solid Waste regulations.

This proposed rule meets an exception listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on August 24, 2000, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by SW028. Such comments must be received no later than August 31, 2000, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to FAX (225) 765-5095. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of SW028.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 1. Solid Waste Regulations

Chapter 1. General Provisions and Definitions

' 115. Definitions

A. For all purposes of these rules and regulations, the terms defined in this Section shall have the following meanings, unless the context of use clearly indicates otherwise.

* * *

[See Prior Text]

Autoclave C steam sterilization at a temperature of at least 120° C (248° F) and a pressure of at least 15 pounds per square inch for at least 30 minutes. Longer times are required depending on the amount of waste, the presence of water, and the type of container used. Alternate patterns of temperature, pressure, and time may be used if compatible with the sterilization equipment being used and demonstrably sufficient to kill disease-causing microorganisms.

* * *

[See Prior Text]

Type II-A Facility C a facility used for processing residential, infectious, or commercial solid waste (e.g., transfer station, incinerator waste-handling facility, refuse-derived fuel facility, shredder, baler, autoclave, or compactor). (If the facility is also used for processing industrial solid waste, it is also a Type I-A facility).

* * *

[See Prior Text]

AUTHORITY NOTE: Promulgated in accordance with R.S.30:2001 et seq. and 2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: **.

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 1. Solid Waste Regulations

Chapter 7. Solid Waste Standards

Subchapter A. General Standards

' 707. Standards Governing Pickup Stations for Solid Waste

* * *

[See Prior Text in A - D]

E. Each person must provide written notice to the parish governing authority, at least 30 days prior to construction, of his intent to operate a pick-up station for the offloading and/or transloading of processed solid waste and sewage sludge destined for disposal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: **.

Subchapter C. Solid Waste Processors

' 717. Standards Governing All Solid Waste Processors (Type I-A and II-A)

* * *

[See Prior Text in A - B.4]

5. Receiving and Monitoring Incoming Wastes

a. Each processing facility shall be equipped with a device or method to determine quantity (by wet-weight tonnage); sources (whether the waste was generated in-state or out-of-state and, if it is industrial solid waste, where it was generated); and types of incoming waste (i.e.,

commercial, residential, infectious). The facility shall also be equipped with a device or method to control entry of the waste and prevent entry of unrecorded or unauthorized deliverables (i.e., hazardous, unauthorized, or unpermitted solid waste).

* * *

[See Prior Text in B.5.b- I.3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and 2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: **.

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 1. Solid Waste Regulations

Chapter 13. Statewide Beautification

' 1301. Purpose

A. It is declared to be the purpose of these rules and regulations to:

1. control and reduce litter; and
2. create a statewide beautification program to enhance the tourist, recreational, and economic development of the state.

AUTHORITY: Promulgated in accordance with R. S. 30:2521 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26: **.

' 1303. Definitions

A. The following words, terms, and phrases, when used in conjunction with LAC 33:VII. Subpart 1, shall have the meanings ascribed to them in this Chapter, except where the context clearly indicates a different meaning:

*Commission*Cthe Louisiana Litter Reduction and Public Action Commission.

*Dump*Cto throw, discard, place, deposit, discharge, burn, dump, drop, eject, or allow the escape of a substance.

*Litter*Call waste material, except as provided and defined in R.S. 30:2173(2), including but not limited to, disposable packages, containers, sand, gravel, rubbish, cans, bottles, refuse, garbage, trash, debris, dead animals, furniture or appliances, automotive parts including, but not limited to, tires and engines, trailers, boats and boating accessories, tools and equipment, and building materials, or other discarded materials of any kind and description. Litter shall not include agricultural products that are being transported from the harvest or collection site to a processing or market site if reasonable measures are taken to prevent the agricultural product from leaving the transporting vehicle. Litter shall also not include recyclable cardboard being transported in compressed bundles to processing facilities. *Agricultural product*, as used in this definition, means all crops, livestock, poultry, and forestry; and all aquacultural, floracultural, horticultural, silvicultural, and viticultural products.

*Local Governing Authority*Cthe governing authority of the parish or the governing authority of the municipality in which the littering offense was committed.

Public or Private Property the right-of-way of any road or highway, levee, any body of water or watercourse or the shores or beaches thereof, any park, playground, building, refuge, or conservation or recreation area, and residential or farm properties, timberland, or forests.

Section the Litter Reduction and Public Action Section located within and acting through the Office of Environmental Services of the Department of Environmental Quality.

AUTHORITY: Promulgated in accordance with R. S. 30:2522 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26: **.

' 1305. Louisiana Litter Abatement Program

A. The purpose of the Louisiana Litter Abatement Program shall be to support the community-based litter abatement programs.

B. Program Award

1. Program awards shall be made available to local governments and nonprofit organizations.

2. Funding through the program shall be subject to the availability of funds.

3. All requests for awards shall be made in writing on a form provided by the department to the Litter Reduction and Public Action Section of the Office of Environmental Services.

4. The monies awarded through the award shall be used to further the administration and execution of the Keep Louisiana Beautiful Program. Allowable uses of award funding shall include, but not be limited to:

- a. Keep America Beautiful fees;
- b. Keep America Beautiful precertification training, education curriculums, and workshops;
- c. law enforcement seminars;
- d. litter surveys;
- e. projects, services, activities, and operational costs of litter abatement programs;
- f. materials and services for program development and training;
- g. direct expenditures for materials that can facilitate litter reduction, recycling, waste reduction, reuse, and general solid waste management programs;
- h. minimal advertising, public relations, and promotional materials necessary for

publicity and promotion of program activities; and

i. salary of the program coordinator.

5. Each successful applicant shall supplement award funds with a 25 percent match from other sources. All matching funds must be available to the program after the date of the program award, and funds spent prior to the program award shall not be considered eligible in fulfilling the match requirement.

6. Awards shall be awarded based on a comparative basis as determined by the Litter Reduction and Public Action Section of the Office of Environmental Services.

AUTHORITY: Promulgated in accordance with R. S. 30:2524 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26: **.

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 2. Recycling

Chapter 101. ~~Recycling Awareness~~Repealed.

§10101. ~~Purpose of Recycling Awareness Program~~Repealed.

~~————— This program is designed to assist local governments in educating the citizens on the energy conservation, environmental and economic benefits to be gained from recycling. This regulation provides the procedures for the funding allocations method, and the applications for funding the local government recycling awareness program.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 15:1070 (December 1989), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§10103. ~~Objectives~~Repealed.

~~———— Objectives of the Recycling Awareness Program are:~~

- ~~———— A. to conserve Louisiana's natural resources and energy;~~
- ~~———— B. to allow local governments to develop a recycling awareness program;~~
- ~~———— C. to develop and implement a recycling public education program;~~
- ~~———— D. to identify future local government recycling needs.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 15:1070 (December 1989), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§10105. ~~Funding~~Repealed.

~~———— The initial funding allocation to local governments is as follows:~~

- ~~———— A. Initial Funding Allocation. A pilot project for New Orleans (Orleans Parish) will be allocated \$600,000, therefore New Orleans will not be funded under Subsection B and C of this Section.~~
- ~~———— B. Each parish and each large (population 50,000 or over) incorporated municipal government will be eligible for a base allocation of up to \$14,000.~~

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~~— C. In addition to the base allocation, each parish and each large (population over 50,000) incorporated municipal government will be eligible for an allocation of up to \$22 per capita. Populations will not be double counted i.e., population figures for participating large incorporated municipalities will be deducted from the parent parish population figures in order to allocate the parish totals. The department shall determine and use the best available census data or official estimates for population figures.~~

~~— D. A funding application for a parish shall be as agreed to between the parish and the smaller (population less than 50,000) incorporated municipalities within that parish. In the absence of an agreement between a parish and each of its participating smaller incorporated municipalities, the parish and such smaller incorporated municipalities shall be eligible to independently apply for funding on a per capita basis.~~

~~— E. If a parish government elects not to participate, the smaller incorporated municipalities in that parish may apply for per capita funding.~~

~~— F. Regional (multi parish) proposals are eligible to apply for up to an additional 20 percent funding, the availability of funds permitting.~~

~~— G. Funds will be made available through cooperative agreements between the parish and/or municipal governments and the departments. No cooperative agreement is effective until approved by the Division of Administration, Office of Contractual Review. No work shall commence until said written approval is made.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 15:1070 (December 1989), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§10107. Funding Proposals Repealed.

~~— Funding proposals in order to maintain a minimum level of participation:~~

~~— A. The department will only fund parish proposals that include and consider the needs of all smaller municipalities in that parish, except any smaller municipality that elects to participate directly with the department. The parish government shall certify to the department that all of the smaller incorporated municipalities in the parish have been contacted and shall list those that have agreed to participate under the parish program.~~

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~~—B. In parishes wherein the parish is implementing the recycling awareness program for smaller incorporated municipalities, the parish shall provide the recycling awareness program in such smaller incorporated municipalities.~~

~~—C. If a smaller incorporated municipality elects to participate directly with the department, the smaller municipality must apply directly to the department.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 15:1070 (December 1989), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§10109. Innovative or Demonstration Projects~~Repealed.~~

~~—The department may fund innovative or demonstration projects either by invitation or from unsolicited proposals from any local government.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 15:1070 (December 1989), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§10111. Application Deadline~~Repealed.~~

~~—[Editor's Note: The address specified in this Section has been changed to Box 82282, Baton Rouge, LA 70884].~~

~~—Initial funding application must be submitted by parish and local government bodies to the Department of Environmental Quality, Office of the Secretary, Box 44066, 625 North Fourth Street, Baton Rouge, LA 70804, no later than 90 days after the publication of the rule.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 15:1071 (December 1989), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§10113. ~~Interagency Agreement~~ Repealed.

~~—The department and any parish or municipal government participating in the recycling awareness program shall be bound by the terms and conditions of any Interagency Agreements negotiated between the department and the Department of Natural Resources concerning the use of the recycling awareness program funds.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 15:1071 (December 1989), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES LOG #: SW028

Person
Preparing
Statement: Thelma Y. Jenkins-Anthony Dept.: Louisiana Department of Environmental
Quality

Phone: 225-765-0399 Office: Office of Environmental
Assessment

Return
Address: 7290 Bluebonnet Rule
Title: Miscellaneous Revisions and
Statewide Beautification
(LAC 33:VII.115, 707,
717, Chapter 13 and
Chapter 101

Baton Rouge, LA

70810-1173 Date Rule
Takes Effect: Upon Promulgation

SUMMARY
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated costs or savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no effect on revenue collections of state or local governmental units as a result of implementation of this rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There should be no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment are not expected to be significantly affected as a result of the implementation of this rule.

Signature of Agency Head or Designee

LEGISLATIVE FISCAL OFFICER OR
DESIGNEE

James H. Brent Ph.D. Assistant Secretary
Typed Name and Title of Agency Head or Designee

Date of Signature

Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

This rule contains minor changes to Chapters 1 and 7 and the promulgation of Chapter 13 that addresses litter abatement in the state. This rule also repeals Chapter 101.

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The litter abatement regulations are being promulgated pursuant to R.S. 30: 2521 et seq. The changes to Chapters 1 and 7 are minor changes to include infectious wastes and action to be taken for offloading and/or transloading of solid waste. These changes are required pursuant to R.S.30:2154 et seq. The regulations in Chapter 101 are no longer applicable to the department's solid waste program.

- C. Compliance with Act II of the 1986 First Extraordinary Session
(1) Will the proposed rule change result in any increase in the expenditure of funds?
If so, specify amount and source of funding.

No, the proposed rule is not expected to result in an expenditure of funds.

- 2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?
- (a) ____ Yes. If yes, attach documentation.
- (b) ____ No. If no, provide justification as to why this rule change should be published at this time.

This Section is not applicable to this package.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 99-00	FY 00-01	FY 01-02
PERSONAL SERVICES			
OPERATING EXPENSES			
PROFESSIONAL SERVICES			
OTHER CHARGES			
EQUIPMENT			
TOTAL	0	0	0
MAJOR REPAIR & CONSTR.			
POSITIONS(#)			

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

This Section is not applicable.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 99-00	FY 00-01	FY 01-02
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
DEDICATED			
FEDERAL FUNDS			
OTHER (Specify)			
TOTAL	0	0	0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Additional funds are not needed to implement this rule.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

Local governmental units are not expected to be significantly impacted as a result of the implementation of this rule. However, if funds are budgeted to the department for the State Beautification program, the availability of these award monies can be a positive benefit to the funding for local governmental units.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

This is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

- A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE FY 99-00	FY 00-01	FY 01-02
STATE GENERAL FUND		
AGENCY SELF-GENERATED		
RESTRICTED FUNDS*		
FEDERAL FUNDS		
LOCAL FUNDS		
TOTAL	0	0

*Specify the particular fund being impacted.

- B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

This Section is not applicable.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

It is anticipated that the proposed rule would not have any effect on persons or non-governmental groups.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

There would be no impact on receipts and/or income, to these groups, resulting from this rule.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed rule will have no effect on competition and employment.